

Minutes

DVD No. 419

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, 7:30 P.M. on Monday, June 18, 2018. Mayor Peggy Dunn presided.

**Councilmembers Present:** Debra Filla, Andrew Osman, Julie Cain, James Azeltine, Jim Rawlings, Mary Larson, Chuck Sipple and Lisa Harrison

**Councilmembers Absent:** None

<b>Staff Present:</b> Scott Lambers, City Administrator	Chief Troy Rettig, Police Department
Patty Bennett, City Attorney	Richard Coleman, Comm. Dev. Director
Chris Claxton, Parks & Recreation Director	Dawn Long, Finance Director
Deputy Chief Colin Fitzgerald, Fire Dept.	Mark Klein, Planning Official
Nic Sanders, Human Resources Director	David Ley, Public Works Director
Ross Kurz, Information Services Director	and City Engineer
Mark Tepesch, Info. Serv. Specialist III	Cindy Jacobus, Assistant City Clerk
Debra Harper, City Clerk	

**Others Present:** Kevin Jeffries, President, Chief Executive Officer and Director of Economic Development, Leawood Chamber of Commerce

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF AGENDA**

Mayor Dunn stated the agenda had been amended to add a report on the North Bicycle Loop by Councilmember Chuck Sipple under 9. Councilmembers' Report.

**A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Larson. The motion was approved with a unanimous vote of 8-0.**

**3. CITIZEN COMMENTS – None**

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. It is not appropriate to use profanity or comment on pending litigation, municipal court matters or personnel issues. Comments about items that appear on the action agenda will be taken as each item is considered. CITIZENS ARE REQUESTED TO KEEP THEIR COMMENTS UNDER 5 MINUTES.

**4. PROCLAMATIONS – None**

5. **PRESENTATIONS/RECOGNITIONS** – None

6. **SPECIAL BUSINESS**

- A. Public Hearing Park Place Development Improvement District Assessments  
[Project # 83196]

Mayor Dunn opened the public hearing. No one was seen or heard to speak.

**A motion to close the public hearing was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.**

- B. **Ordinance No. 2893**, levying assessments for tax year 2019 for improvements within the Park Place Development pursuant to K.S.A. § 12-6a01, et seq., and the City's Home Rule authority of Article 12, Section 5 of the Kansas Constitution [Project 83196] [ROLL CALL VOTE]

**A motion to pass the ordinance was made by Councilmember Filla; seconded by Councilmember Larson. The motion was approved with a unanimous roll call vote of 8-0.**

7. **CONSENT AGENDA**

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted upon in a single motion. If a Councilmember requests a separate discussion on an item, it can be removed from the consent agenda for further consideration.

- A. Accept Appropriation Ordinance Nos. 2018-22 and 2018-23
- B. Accept minutes of the June 4, 2018 Governing Body meeting
- C. Accept minutes of the June 4, 2018 Governing Body Executive Session
- D. Accept minutes of the May 8, 2018 Parks & Recreation Advisory Board meeting
- E. Accept minutes of the April 5, 2018 Leawood Foundation meeting
- F. Accept minutes of the March 28, 2018 Stormwater Management Committee meeting
- G. Accept minutes of the February 15, 2018 Ironhorse Advisory Board meeting
- H. Approve Final Cost Certification for the 2017 Residential Street Project, in the amount of \$2,750,000 [Project # 80217]
- I. Approve Final Cost Certification for the College Boulevard Retaining Wall, between Brookwood and Indian Creek Bridge, in the amount of \$940,000 [Project # 80602]
- J. Approve purchase in the amount of \$230,000.00 from Watchguard for the purchase of [50] body cameras and [20] in-car systems for the Police Dept.
- K. Approve Payment Request in the amount of \$22,022.01 to Hallbrook Farms Single Family Residence Community Association, for LED Lighting Reimbursement, in connection with street light electricity savings from 2017 invoices
- L. **Resolution No. 4956**, approving and authorizing the Mayor to execute a Traffic Signal Agreement in the amount of \$250,000, between the City and the Board of County Commissioners of Johnson County, Kansas, for the installation of new traffic signalization at Mission Road and Lee Boulevard [Project # 72081]
- M. Police Department Monthly Report
- N. Fire Department Monthly Report
- O. Municipal Court Monthly Report

Councilmember Sipple requested Consent Agenda Item 7.J. be pulled.  
Councilmember Cain requested Consent Agenda Item 7.K. be pulled.  
Mayor Dunn requested Consent Agenda Item 7.M. be pulled.

**A motion to approve the remainder of the Consent Agenda was made by Councilmember Filla; seconded by Councilmember Larson. The motion was approved with a unanimous vote of 8-0.**

- 7.J. Approve purchase in the amount of \$230,000.00 from Watchguard for the purchase of [50] body cameras and [20] in-car systems for the Police Dept.

Councilmember Sipple recollected the Governing Body had approved the purchase of 25 body cameras about two years ago and expressed concern about the useful life expectancy of cameras. Chief Rettig stated the department had gotten an additional year out of the cameras previously purchased with an extended warranty from Digital Ally. Body cameras are not as durable as car cameras; cord connections become loose. Body cameras will likely need replacement every three years. Watchguard cameras have a reputation for being reliable.

Councilmember Sipple inquired if a body camera had ever failed to record critical evidence. Chief Rettig stated there had been no such occurrences. Non-working cameras have been swapped out, but overlooking to turn on the unit was the most-common error. Officers can tell the cameras are on as they vibrate every 30 seconds. Cameras are very useful and officers do not like to be without.

Councilmember Osman inquired if leasing was an option rather than purchasing. Leasing may provide for upgrade every few years. If leasing is not available at this time, the ability to lease should be periodically researched. Chief Rettig stated he was unaware of any lease programs. Mayor Dunn pointed out this has been successful in regard to the Ironhorse Golf carts. Cameras are costly, but very important and the City is fortunate to be able to provide. Chief Rettig thanked the Council.

**A motion to approve Consent Agenda Item 7.J. was made by Councilmember Filla; seconded by Councilmember Larson. The motion was approved with a unanimous vote of 8-0.**

- 7.K. Approve Payment Request in the amount of \$22,022.01 to Hallbrook Farms Single Family Residence Community Association, for LED Lighting Reimbursement, in connection with street light electricity savings from 2017 invoices

Councilmember Cain stated support of the reimbursement program, but questioned if reimbursements were tracking according to expectations, and the difference of the first year reimbursement of \$11,000 and the second year reimbursement of \$22,000. Mr. Ley stated the LEDs were installed mid-year and annual reimbursement of \$22,000 is expected. Total payback is typically six to seven years; Hallbrook is on track for seven years. There have been issues with vegetation surrounding backyard controllers resulting in daylighting burning of LEDs. The City has contacted home owners in this regard.

Mr. Ley confirmed to Councilmember Sipple the “Hallbrook Street Light Comparison Before/After Changing to LED” chart provided in meeting documentation lists 23 controllers, each one feeding about 60 lights. Mr. Ley will research and provide the total number of Hallbrook lights to the Governing Body which is stated in the agreement. Councilmember Filla pointed out an estimate of lights would be 1,380, based on the number of controllers and the number of lights for each controller.

Councilmember Larson stated she would recuse from voting as she lives Hallbrook Farms, and benefits from the program and payment.

**A motion to approve Consent Agenda Item 7.K. was made by Councilmember Cain; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 7-0, with recusal by Councilmember Larson for reason stated.**

#### 7.M. Police Department Monthly Report

Mayor Dunn recognized the efforts of Police Officers Matt Schroeder and Jesse Ryman on May 14 at south Tomahawk Park, 119<sup>th</sup> Street and Mission Road. A runner had collapsed, had no heartbeat and they started CPR. The Fire Department arrived and administered a shock with an external defibrillator. The runner was revived within minutes. The runner has been discharged from the hospital and has stopped by the Police Department to express his thanks.

Councilmember Cain asked who had reported the runner's collapse. Chief Rettig stated a small group of citizens were present when responders arrived; one was a physician who had not yet started CPR. Officer Schroeder arrived on the scene very quickly as he was just leaving the lower parking lot of the Justice Center.

Mayor Dunn asked Chief Rettig to share appreciation with the officers.

**A motion to approve Consent Agenda Item 7.M. was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.**

### 8. MAYOR'S REPORT

- A. Request a moment of silence to remember families and friends of Wyandotte County Sheriff's Deputies Theresa King and Patrick Rohrer who were killed while in the line of duty on June 15. This tragedy should remind all of us to thank those that choose public safety as a career path. We do indeed appreciate all of them.
- B. Prairie Village Mayor Laura Wassmer hosted the June meeting of the Johnson & Wyandotte Counties Council of Mayors with the Johnson and Wyandotte Counties Legislative Delegation as our guests. They presented an overview of the recent session, and all present expressed doubts that the Supreme Court will accept the dollars approved for additional school funding.
- C. Councilmember Jim Rawlings joined Scott Lambers, Richard Coleman and me along with the Planning Commissioners and Planning Staff at the 22<sup>nd</sup> Annual Regional Assembly and Awards ceremony hosted by the Mid-America Regional Council. Chief Executive Officer and Executive Director of National League of Cities Clarence Anthony was the keynote speaker. He focused on the importance of collaboration and coalition building to create a path to success.
- D. Police Chief Troy Rettig hosted a great retirement reception for Sergeant Mark Hackathorn honoring his 27 years of service. Many former members of the Leawood Police Department were on hand to offer congratulations.
- E. Attended a Leawood Chamber ribbon cutting ceremony for Hunter Family Vision celebrating their new, larger facility in Parkway Plaza. They had been in the center in a smaller space for 11 years and are loyal Chamber of Commerce members. Councilmembers Mary Larson and James Azeltine also joined me along with Representative Joy Koesten.

## 9. COUNCILMEMBERS' REPORT

### Councilmember Chuck Sipple – North Bicycle Loop

Councilmember Sipple distributed photographs taken by Parks & Recreation Administrative Graphics Technician Marica Putman at the “Stride ‘N Ride” event held Saturday, June 9. It was a hot, but exciting day. He and Councilmember Larson had the privilege of being the first councilmembers to ride the north bicycle loop. A group of about 15 to 20 were led by three Police Officers who facilitated safe street crossings at 103<sup>rd</sup> and 95<sup>th</sup>. It took about 1.5 hours to cycle the 10-mile loop with a couple of water breaks. Loop signage is attractive and well-placed, which residents appreciate. The loop is very rideable. He offered compliments to the Public Works Department and Bike/Walk Leawood for a job well-done. A photograph of the Bike/Walk Leawood Chair, Kevin Corbett, and his wife [second page, middle-left] shows them on their electric-assist bicycles.

Mayor Dunn stated she visited City Park the day of the event, and witnessed Ms. Claxton manning booths and the arrival of Chief Rettig with his dog, but without a bicycle. It looked like it was a great, fun day. She thanked Councilmembers Sipple and Larson for their attendance and participation, and Councilmember Sipple for the report.

## 10. CITY ADMINISTRATOR REPORT – None

## 11. STAFF REPORT – None

## ***COMMITTEE RECOMMENDATIONS***

### 12. PLANNING COMMISSION

*[from the May 22, 2018 Planning Commission meeting]*

- A. **Resolution No. 4957**, approving a Final Plan and Final Plat for Park Place East End – Multi-family Residential and Office, located east of Nall Avenue and north of 117<sup>th</sup> Street. (PC Case 55-18)

Applicant Mr. David Rezac, VanTrust Real Estate, 4900 Main Street, Suite 400, Kansas City, Missouri, made a brief presentation of information previously presented to the Governing Body during their review of the Park Place East End Preliminary Plan and Preliminary Plat. The project team consists of VanTrust Real Estate, Master Developer; Judd Claussen, Phelps Engineering, Civil Design; Young + Dring, Landscape Design; Finkle + Williams, Architect for East End Office; and LRK Architecture for East End Residential. Both Phelps Engineering and Young + Ding have been involved with Park Place from the beginning, over 15 years ago. Project team members are in attendance tonight.

Mr. Rezac displayed an aerial photograph of the entire site, bounded by Town Center Drive on the north and 117<sup>th</sup> Street on the south. The project would be located in the undeveloped east end of Park Place. Two lots and three tracts were shown on a colored Site Plan. The two lots shown in yellow would be where the office building and multi-family apartments/garage would be located. The three tracts include a new private drive shown purple and two BMP [Best Management Practice] tracts shown in green; one to the west and one to the southeast of the multi-family apartments/garage. The future hotel is shown in blue and would be located south of the multi-family apartments/garage. He stated there has been good discussion with hotel developers.

Mr. Rezac stated the 120,251 sq. ft. multi-family residential building would have three story elevations on three sides and four stories facing Town Center Drive. Located on the east end of the site, the building would have 81 units with a mix of one bedroom, one bedroom plus den, and two bedroom units. There would be 37 surface car parking spaces to the west and parking for 125 cars in the garage that has a total of 249 spaces. Materials complimentary to existing R-1 and R-2 residential would be used. The 50,000 sq. ft. office building located on the corner of the east end would be three stories, with 34 surface car parking spaces and 124 parking spaces dedicated in the garage to the west. The building would have clean lines and be made of glass. If approved tonight, the lease with a tenant for the entire office building can be locked down. Permits are under review by the City and if approved, movement of soil could begin later this week. Goal is to have both east end projects completed by the end of 2019.

Mr. Rezac stated the project team has enjoyed working with Planning Staff, and appreciates all their recommendations and suggestions.

Councilmember Filla stated the glass office building was beautiful and she asked about the energy efficiency of the glass. Mr. Rezac stated great advances in glass product energy efficiency have been made in the last decade. ASHRAE [American Society of Heating, Refrigeration, and Air Conditioning Engineers] standards and sustainable design would allow the building to be clad in glass without sacrificing occupant comfort or the need to close window shades. The building would have a thermally broke-in system, but energy efficiency is mostly due to the improvements in glass products.

Councilmember Sipple inquired how many of the 81 residential units would be 750 sq. ft. as there is interest in small units. Mr. Rezac estimated there would be about 17 of these units. Mr. Klein stated the development will meet City-required ratios without any units below 750 sq. ft.

Mr. Klein confirmed to Councilmember Sipple the Planning Commission's Stipulations 18 and 21 were correct. The City now requires only 2.5 inch calipered trees rather than 4 inch calipered, but the developer had voluntarily installed 6 inch calipered trees along the street and it was desired to have larger trees, closer in size to existing trees, installed along the streets. Otherwise, landscaping would be in accordance with the City's new code.

Mr. Rezac confirmed to Councilmember Cain that he was still optimistic about the anchor tenant, and the two water features were located next to each other. The water features would be located near the corner of Rosewood and Town Center Drive, could be seen from the street, and would be lit at night. The features would be sculptural elements when the water is turned off in winter. Pictures of the water features were provided in the meeting documentation.

Councilmember Cain asked for an estimate of timeline for completion for the remaining development, the hotel and office building on Nall owned by KBS. Mr. Rezac stated discussions are occurring with several hotel developers to get the hotel moving along. He stated the prior hotel, which may have been a Marriott property, had backed out. KBS needs to find an anchor tenant to kick-start their project.

Councilmember Cain stated the project is lovely and she looks forward to the development.

Mayor Dunn recalled the Governing Body had lengthy discussion about improvements needed to the exterior of the garage located at the corner of Nall and Town Center Drive, during the meeting when the Preliminary Plan and Preliminary Plat were approved. Mayor Dunn pointed out there had been willingness to address right away and she asked when this would be done. Mr. Rezac stated he could not address the issue as the garage is owned by KBS. Mr. Coleman stated he had spoken with KBS and KBS anticipates the staining project would be completed by the end of July 2018. No additional glass would be added to the garage at this time. Mr. Lambers stated the Governing Body would have the ability to require changes when an application for garage expansion is made.

Councilmember Harrison asked for the percentage of occupancy for the existing Park Place residential units. Mr. Rezac stated VanTrust's R-1, R-2 and Loft Units are at 90% or above occupancy.

Mr. Rezac stated to Mayor Dunn that he was in agreement with all stipulations, including Planning Commission Stipulation 25 requiring the applicant work with the Leawood Fire Department in regard to curb geometry of the entrance to the west parking lot, prior to issuance of the building permit.

**A motion to approve Agenda Item 12.A. was made by Councilmember Rawlings; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.**

Mayor Dunn stated she looks forward to the wonderful project.

- B. **Ordinance No. 2894**, approving a Rezoning to R-1 (Planned Single Family Low Density Residential) for Hills of Leawood, located north of 151<sup>st</sup> Street and east of Mission Road. (PC Case 56-18) [ROLL CALL VOTE]

Mr. Mark Simpson, Leawood Hills Development, LLC, 15145 Windsor Circle, stated the request was for a single family home at 3300 W. 151<sup>st</sup> Street. The house has been at that location since 1965, 53 years, but the property was not formally zoned as R-1. The application was made as a precaution. Mr. Simpson stated agreement to all stipulations. Mr. Klein confirmed the application was made to clarify R-1 zoning for the property.

Mayor Dunn thanked Mr. Simpson for addressing an issue which occurred 53 years ago, and wished him good luck with the project.

**A motion to pass Agenda Item 12.B. was made by Councilmember Filla; seconded by Councilmember Cain. The motion was approved with a unanimous roll call vote of 8-0.**

- C. **Ordinance No. 2895**, amending Section 16-2-6.4 of the Leawood Development Ordinance entitled "MXD [Mixed-Use Development District]" and repealing existing Section 16-2-6.4 and other sections in conflict herewith. (PC Case 65-18) [ROLL CALL VOTE]

Mr. Klein stated the proposed amendment would allow more flexibility in regard to unit size ratio in MXD, as had been used in Agenda Item 12.A. Currently, the Leawood Development Ordinance [LDO] requires residential units in MXD be no smaller than 750 sq. ft. and that 80% of units be a minimum of 1,000 sq. ft. The amendment maintains the minimum size unit of 750 sq. ft., but would allow 80% of the units to be 900 sq. ft. rather than 1,000 sq. ft.

Mr. Lambers confirmed to Councilmember Azeltine the proposed amendment was in response to an application, resident requests, adoption of the 135<sup>th</sup> Street Community Plan and consultant recommendation to reduce minimum size.

Councilmember Osman thanked Staff for the proposed amendment. The City's Code has numerous pages and can be confusing. Markets and trends change, as do demographic needs. Leawood has a high professional population and some renters have requested larger square footage. He expressed concern about having 750 sq. ft. units and the estimated lease price for new apartment construction with tariffs of \$2.45 to \$2.55 per sq. ft. This equates to \$1,850 to \$1,900 per month for a 750 sq. ft. unit, which is not economical for a millennial just three years out of college with an entry level job on Tomahawk Creek Parkway, who may want to live close-by parents. That amount of rent would like buy a \$340,000 house. Young millennials want maintenance-free living with amenities such as pools, spas and conference rooms. Apartments near Whole Foods at 51<sup>st</sup> and Oak Street in Kansas City, Missouri, are 850 sq. ft. and up, and these have been well-received by young urbanites. Mission Farms in Overland Park offers one and two bedroom 950 sq. ft. apartments, based on floor plan, with their smallest unit being 725 sq. ft. He suggested the City determine if there are calculation methods to arrive at a nice price-break point and then go up from there, with a mix of some smaller units, perhaps 700 sq. ft., and some larger units, for a balanced average. Young people may want to live in Leawood, but may not be able to afford to do so.

Mayor Dunn stated there are older people that are renting because they have homes in other places, and they prefer larger units.

Councilmember Harrison inquired how parking is addressed when the number of bedrooms changes and if parking would increase if there were more units. Mr. Coleman stated for MXD, a parking study is usually done which may reveal shared parking use or that parking used overnight becomes available during the day. In MXD, parking ratios should go down rather than up. In this case Park Place has complied with City ordinance. Mayor Dunn stated she has seen similar parking issues at the grocery store at 95<sup>th</sup> and Antioch in Overland Park.

Councilmember Harrison pointed out smaller units with fewer bedrooms could prohibit families. Mr. Coleman stated affordability is typically the basis for choice. In units he viewed recently, 900 sq. ft. can accommodate one bedroom and 950 sq. ft. for two bedrooms, due to efficient design.

Councilmember Cain pointed out parking issues at developments at Troost and Armour Boulevard and at Cherry and Armour Boulevard in Kansas City, Missouri; side streets are being for parking. The City needs to proactively address this possibility, as well as consider there could be fewer cars and increased use of car services such as Uber in the future. Mr. Coleman stated he used to live in that area and small apartments built in the 1920s were served by streetcars. Lack of parking is an issue, but the logic is mass transit will be used. The City does not have the same issues and all apartments in MXD or straight zoning have adequate parking.

Councilmember Azeltine stated he works in Mission Farms and parking can be an issue based on the time of day. He stated his belief that although parking is dynamic, parking at Mission Farms and Park Place is working. Councilmember Harrison pointed out that employees working in these developments may not encounter difficulties, but shoppers and persons visiting a doctor may.

Councilmember Azeltine invited Mr. Kevin Jeffries to address economic development trends.

Mr. Kevin Jeffries, Chamber of Commerce, 13451 Briar Street, stated in suburban settings the changes recommended are appropriate. Affordability is a concern. Recently a business looking to relocate employees from California found all Leawood options were outside of their budget, which was surprising considering the cost of living in California. An estimated lease amount for an existing apartment is about \$2.25 per sq. ft.

Mayor Dunn praised City Staff for their thoughtfulness, and requiring traffic and parking studies, which are the reasons why there are no issues at Park Place today.

**A motion to pass Agenda Item 12.C. was made by Councilmember Filla; seconded by Councilmember Osman. The motion was approved with a unanimous roll call vote of 8-0.**

Mayor Dunn reminded the next Governing Body would meet for a Council meeting on Monday, July 2, 2018, and then again for the July 4<sup>th</sup> celebration.

**13. OLD BUSINESS** – None

**14. OTHER BUSINESS** – None

**15. NEW BUSINESS** – None

**ADJOURN**

There being no further business, the meeting was adjourned at 8:28 P.M.

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Debra Harper, CMC, City Clerk

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Cindy Jacobus, Assistant City Clerk